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EXAMINER

HUTTON JR, WILLIAM D

ART UNIT PAPER NUMBER

2179

DATE MAILED: 05/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/577,320

Applicant(s)

PARASU, NAGENDRAN

Examiner

Doug Hutton

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-7,10-13 and 16 is/are rejected.
- 7) ☒ Claim(s) 3,4,8,9,14 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### ***Applicant's Response***

In Applicant's Response dated 7 March 2005, Applicant amended Claims 3-5 and 8-15, and argued against all objections and rejections previously set forth in the Office Action dated 8 December 2004.

The objections to Claims 2-5, 7-9, 11, 12 and 15 that were previously set forth are withdrawn.

### ***Claim Objections***

Claims 1, 6 and 16 remain objected to because of the following informalities:

- in Claim 1, the phrase "storing, in response to a first HTTP request, an XML document that specifies for a user, a call number of a second party" in Lines 3-4 should be amended to — in response to a first HTTP request, storing an XML document that specifies a call number of a second party for a user — so the limitation is grammatically correct; Claim 16 has the same problem;
- in Claim 1, the phrase "generating a first hypertext markup language (HTML) document, based on the retrieved XML document, having instructions including the call number for accessing the second party" in Lines 7-9 should be amended to — based on the retrieved XML document, generating a first HTML document having instructions including the call number for accessing the second party — to clearly indicate that the first HTML document includes the instructions and the

XML document does not include the instructions; Claims 6 and 16 have the same problem; and

- in Claim 1, the phrase “selectively generating a second HTML document, based on a prescribed input received from the second party, having instructions for connecting the second party with the user” in Lines 10-12 should be amended to — based on a prescribed input received from the second party, selectively generating a second HTML document having instructions for connecting the second party with the user — to clearly indicate that the “generating” is based on the “prescribed input” and the “second HTML document” is not based on the “prescribed input;” Claims 6 and 16 have the same problem.

Claim 14 remain objected to because of the following informalities:

- the phrase “generating a first hypertext markup language (HTML) document, based on the XML document, having instructions including the call number for accessing the second party” in Lines 9-11 should be amended to — based on the XML document, generating a first HTML document having instructions including the call number for accessing the second party — to clearly indicate that the first HTML document includes the instructions and the XML document does not include the instructions; and
- the phrase “selectively generating a second HTML document, based on a prescribed input received from the second party, having instructions for connecting the second party with the user” in Lines 12-14 should be amended to

— based on a prescribed input received from the second party, selectively generating a second HTML document having instructions for connecting the second party with the user — to clearly indicate that the “generating” is based on the “prescribed input” and the “second HTML document” is not based on the “prescribed input.”

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 6, 7, 11-13 and 16 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Miloslavsky et al., U.S. Patent No. 6,597,685, in view of Vange et al., U.S. Patent Application Publication No. US 2002/0004796.

#### ***Claim 1:***

Miloslavsky discloses a method in an application server configured for responding to hypertext transport protocol (HTTP) requests (see Figure 5; see Column 2, Line 56 through Column 3, Line 11 – Miloslavsky discloses this limitation in that every computerized method performed on the Internet is ***inherently*** “in an application server” that is “configured for responding to HTTP requests”), the method comprising:

- storing, in response to a first HTTP request, a document that specifies for a user, a call number of a second party (see Figures 5, 6 and 8; see Column 10, Lines 57-62; Column 11, Lines 17-36; see Column 12, Line 44 through Column 13, Line 16 – Miloslavsky discloses this limitation in that the call center system includes a server storing a document that includes the call number of the call center; this document must inherently have been placed on the server “in response to a first HTTP request” in that the website developer generated the web page that included the call center number and then published the web page by sending it to the server using HTTP);
- retrieving the stored document based on a second HTTP request by the user (see Figures 5, 6 and 8; see Column 10, Lines 57-62; Column 11, Lines 17-34; see Column 12, Line 44 through Column 13, Line 16 – Miloslavsky discloses this limitation in that the call center system retrieves the stored web page on the server anytime a user requests access of the web page);
- generating a first hypertext markup language (HTML) document having instructions including the call number for accessing the second party (see Figures 5, 6 and 8; see Column 10, Lines 57-62; Column 11, Lines 17-36; see Column 12, Line 44 through Column 13, Line 16 – Miloslavsky discloses this limitation in that the call center system displays the web page on the user’s browser; the web page includes “instructions for accessing the second party” in that the call center system will connect the user to the call center whenever the user clicks on the button); and

- selectively generating a second HTML document, based on a prescribed input received from the second party, having instructions for connecting the second party with the user (see Figures 5, 6 and 8; see Column 10, Lines 57-62; see Column 11, Lines 17-34; see Column 12, Line 44 through Column 13, Line 16; Column 14, Lines 32-64; Column 31, Lines 6-10; Column 39, Lines 25-51 – Miloslavsky discloses this limitation in that the call center system connects the user to the call center; Miloslavsky discloses “selectivity” based on “input received from the second party” in two ways: 1) the service request process determines to which agent the call is directed; and 2) the agent telephone is capable of placing a call on hold to answer another call; Miloslavsky discloses “generating a second HTML document” in that the invention may operate via computers that simulate telephones per Internet protocol network telephony).

Miloslavsky fails to expressly disclose:

- an *XML* document that specifies for a user, a call number of a second party; and
- generating a first hypertext markup language (HTML) document, *based on the retrieved XML document*.

Vange teaches a method in an application server configured for responding to hypertext transport protocol (HTTP) requests (see Paragraphs 0027 and 0031 – Vange teaches this limitation in that every computerized method performed on the Internet is

**inherently** “in an application server” that is “configured for responding to HTTP requests”), the method comprising:

- an XML document (see Paragraph 0010 – Vange teaches this limitation in that the prior art includes methods of database access that involve web designers creating HTML documents that are converted to XML and stored on a web server); and
- generating a first hypertext markup language (HTML) document, based on the retrieved XML document (see Paragraphs 0010, 0051 and 0066 – Vange teaches this limitation in that the database service system uses XML and HTML user-level protocols to exchange information with client devices),

for the purpose of increasing the functionality of databases (see Paragraph 0010).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Miloslavsky, to include:

- an XML document that specifies for a user, a call number of a second party; and
- generating a first hypertext markup language (HTML) document, based on the retrieved XML document,

for the purpose of increasing the functionality of databases, as taught by Vange.

*Claim 2:*

Miloslavsky discloses a stored document that includes a call number of the user and a prompt sequence for accessing the second party, the first HTML document



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including the prompt sequence and the second HTML document including the call number of the user (see Column 15, Lines 41-59 – Miloslavsky discloses this limitation in that the call center system allows the user to request a callback via the web page; the “stored document” includes the user’s call number in that the user’s telephone number was previously stored in a cookie; the “stored document” includes a “prompt sequence for accessing the second party” in that the web page includes a button that allows the user to either call the call center or request a callback; the “first HTML document” includes the “prompt sequence” in that the web page includes the aforementioned button; the “second HTML document” includes the call number of the user in that it connects the user to the call center).

*Claim 6:*

Miloslavsky discloses a method in an application server for executing a voice application (see Figure 5; see Column 2, Line 66 through Column 3, Line 11; see Column 39, Lines 25-51 – Miloslavsky discloses this limitation in that the call center system involves Internet protocol network telephony and every computerized method performed on the Internet is *inherently* “in an application server”), the method comprising:

- receiving an HTTP request requesting a voice application from a user, the voice application being specified in a document including information for connecting with a call number of the user with a call number of a second party (see Figures 5, 6 and 8; see Column 10, Lines 57-62; Column 11, Lines 17-36; see Column

12, Line 44 through Column 13, Line 16 – Miloslavsky discloses this limitation in that the call center system includes a document that connects the user with the call center; when the user requests the web page, via an “HTTP request,” the call center system presents the web page to the user; the web page presented to a user “specifies the voice application” in that it includes the instructions for connecting the user with the call center after the user clicks on the button; the web page includes “information for connecting with a call number of the user with a call number of a second party” in that the user is connected to the call center after the user clicks on the button);

- generating a first hypertext markup language (HTML) document having instructions including the call number for accessing the second party (see Figures 5, 6 and 8; see Column 10, Lines 57-62; Column 11, Lines 17-36; see Column 12, Line 44 through Column 13, Line 16 – Miloslavsky discloses this limitation in that the call center system displays the web page on the user’s browser; the web page includes “instructions for accessing the second party” in that the call center system will connect the user to the call center whenever the user clicks on the button); and
- selectively generating a second HTML document, based on a prescribed input received from the second party, having instructions for connecting the second party with the user (see Figures 5, 6 and 8; see Column 10, Lines 57-62; Column 11, Lines 17-36; Column 11, Lines 17-34; see Column 12, Line 44 through Column 13, Line 16; Column 14, Lines 32-64; Column 31, Lines 6-10; Column

39, Lines 25-51 – Miloslavsky discloses this limitation in that the call center system connects the user to the call center; Miloslavsky discloses “selectivity” based on “input received from the second party” in two ways: 1) the service request process determines to which agent the call is directed; and 2) the agent telephone is capable of placing a call on hold to answer another call; Miloslavsky discloses “generating a second HTML document” in that the invention may operate via computers that simulate telephones per Internet protocol network telephony).

Miloslavsky fails to expressly disclose:

- an *XML* document that specifies a voice application; and
- generating a first hypertext markup language (HTML) document, *based on the XML document*.

Vange teaches a method in an application server for executing a voice application (see Paragraphs 0027, 0031 and 0038 – Vange teaches this limitation in that the database service system involves voice over Internet protocol services and every computerized method performed on the Internet is *inherently* “in an application server”), the method comprising:

- an *XML* document (see Paragraph 0010 – Vange teaches this limitation in that the prior art includes methods of database access that involve web designers

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creating HTML documents that are converted to XML and stored on a web server); and

- generating a first hypertext markup language (HTML) document, based on the XML document (see Paragraphs 0010, 0051 and 0066 – Vange teaches this limitation in that the database service system uses XML and HTML user-level protocols to exchange information with client devices),

for the purpose of increasing the functionality of databases (see Paragraph 0010).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Miloslavsky, to include:

- an XML document that specifies a voice application; and
- generating a first hypertext markup language (HTML) document, based on the XML document,

for the purpose of increasing the functionality of databases, as taught by Vange.

*Claim 7:*

Claim 7 includes limitations recited in Claim 2. Thus, Miloslavsky discloses every limitation of Claim 7, as indicated in the above rejection for Claim 2.

*Claim 11:*

Miloslavsky discloses an application server for developing an executable voice application (see Figure 5; see Column 2, Line 66 through Column 3, Line 11; see Column 39, Lines 25-51 – Miloslavsky discloses this limitation in that the call center system involves Internet protocol network telephony), the application server comprising:

- an application runtime environment configured for generating a first hypertext markup language (HTML) document, the first HTML document having instructions including a call number for accessing a second party (see Figures 5, 6 and 8; see Column 10, Lines 57-62; Column 11, Lines 17-36; see Column 12, Line 44 through Column 13, Line 16 – Miloslavsky discloses these limitations in that the call center system operates in a client-server environment and displays the web page on the user's browser; the web page includes "instructions for accessing the second party" in that the call center system will connect the user to the call center whenever the user clicks on the button), and the application runtime environment generating a second HTML document based on a prescribed input received from the second party, the second HTML document having instructions for connecting the second party with a user (see Figures 5, 6 and 8; see Column 10, Lines 57-62; Column 11, Lines 17-36; Column 11, Lines 17-34; see Column 12, Line 44 through Column 13, Line 16; Column 14, Lines 32-64; Column 31, Lines 6-10; Column 39, Lines 25-51 – Miloslavsky discloses this limitation in that the call center system connects the user to the call center; Miloslavsky discloses "input received from the second party" in two ways: 1) the

service request process determines to which agent the call is directed; and 2) the agent telephone is capable of placing a call on hold to answer another call;

Miloslavsky discloses "generating a second HTML document" in that the invention may operate via computers that simulate telephones per Internet protocol network telephony); and

- a storage medium configured for storing the document (see Figure 5; see Column 10, Lines 36-56 – Miloslavsky discloses this limitation in that the call center system includes a server on which the web page is stored).

Miloslavsky fails to expressly disclose:

- an *XML* document.

Vange teaches an application server system for developing an executable voice application (see Paragraphs 0027, 0031 and 0038 – Vange teaches this limitation in that the database service system involves voice over Internet protocol services), the method comprising:

- an *XML* document (see Paragraph 0010 – Vange teaches this limitation in that the prior art includes methods of database access that involve web designers creating HTML documents that are converted to XML and stored on a web server),

for the purpose of increasing the functionality of databases (see Paragraph 0010).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Miloslavsky, to include:

- a first HTML document based on an XML document,
- for the purpose of increasing the functionality of databases, as taught by Vange.

*Claim 12:*

Miloslavsky discloses an application runtime environment that inserts an application parameter into an XML page prior to generating the HTML documents (the examiner notes that this limitation is not positively recited because it recites that the environment is "**configured to**" perform a function; thus, the limitation is extremely broad; Miloslavsky discloses this limitation in that the call center system involves a web page on a computer system and a user with a computer, and this environment is "**configured to** insert an application parameter into an XML web page prior to generating the HTML documents" because the website developer had the tools to design the call center system to work this way).

*Claim 13:*

Miloslavsky discloses an application runtime environment that sends the first HTML document specifying a blank form for creation of an XML document in response to an initial HTTP request specifying creation of the XML document (the examiner notes that this limitation is not positively recited because it recites that the environment is

**“configured for”** performing a function; thus, the limitation is extremely broad; Miloslavsky discloses this limitation in that the call center system involves a web page on a computer system and a user with a computer, and this environment is **“configured for** sending the first HTML document specifying a blank form for creation of an XML document in response to an initial HTTP request specifying creation of the XML document” because the website developer had the tools to design the call center system to work this way).

*Claim 16:*

Miloslavsky discloses an application server for executing a voice application (see Figure 5; see Column 2, Line 66 through Column 3, Line 11; see Column 39, Lines 25-51 – Miloslavsky discloses this limitation in that the call center system involves Internet protocol network telephony and every computerized method performed on the Internet is ***inherently*** “in an application server”), the application server comprising:

- means for storing, in response to a first HTTP request, a document that specifies for a user, a call number of a second party (see Figures 5, 6 and 8; see Column 10, Lines 57-62; Column 11, Lines 17-36; see Column 12, Line 44 through Column 13, Line 16 – Miloslavsky discloses this limitation in that the call center system includes a server storing a document that includes the call number of the call center; this document must inherently have been placed on the server “in response to a first HTTP request” in that the website developer generated the



web page that included the call center number and then published the web page by sending it to the server using HTTP);

- means for generating a first hypertext markup language (HTML) document having instructions including the call number for accessing the second party (see Figures 5, 6 and 8; see Column 10, Lines 57-62; Column 11, Lines 17-36; see Column 12, Line 44 through Column 13, Line 16 – Miloslavsky discloses this limitation in that the call center system displays the web page on the user's browser; the web page includes "instructions for accessing the second party" in that the call center system will connect the user to the call center whenever the user clicks on the button); and
- means for selectively generating a second HTML document, based on a prescribed input received from the second party, having instructions for connecting the second party with the user (see Figures 5, 6 and 8; see Column 10, Lines 57-62; Column 11, Lines 17-36; Column 11, Lines 17-34; see Column 12, Line 44 through Column 13, Line 16; Column 14, Lines 32-64; Column 31, Lines 6-10; Column 39, Lines 25-51 – Miloslavsky discloses this limitation in that the call center system connects the user to the call center; Miloslavsky discloses "selectivity" based on "input received from the second party" in two ways: 1) the service request process determines to which agent the call is directed; and 2) the agent telephone is capable of placing a call on hold to answer another call; Miloslavsky discloses "generating a second HTML document" in that the

invention may operate via computers that simulate telephones per Internet protocol network telephony).

Miloslavsky fails to expressly disclose:

- an *XML* document that specifies for a user, a call number of a second party; and
- generating a first hypertext markup language (HTML) document, *based on the retrieved XML document*.

Vange teaches an application server for executing a voice application (see Paragraphs 0027, 0031 and 0038 – Vange teaches this limitation in that the database service system involves voice over Internet protocol services and every computerized method performed on the Internet is *inherently* “in an application server”), the application server comprising:

- an *XML* document (see Paragraph 0010 – Vange teaches this limitation in that the prior art includes methods of database access that involve web designers creating HTML documents that are converted to XML and stored on a web server); and
- generating a first hypertext markup language (HTML) document, based on the retrieved XML document (see Paragraphs 0010, 0051 and 0066 – Vange teaches this limitation in that the database service system uses XML and HTML user-level protocols to exchange information with client devices),

for the purpose of increasing the functionality of databases (see Paragraph 0010).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the application server, disclosed in Miloslavsky, to include:

- an XML document that specifies for a user, a call number of a second party; and
- generating a first hypertext markup language (HTML) document, based on the retrieved XML document,

for the purpose of increasing the functionality of databases, as taught by Vange.

Claims 5 and 10 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Miloslavsky, in view of Vange, and further in view of Casellini, U.S. Patent No. 6,404,860.

*Claim 5:*

As indicated in the above discussion, Miloslavsky, in view of Vange, discloses/teaches every element of Claim 1.

Miloslavsky, in view of Vange, fails to expressly disclose/teach:

- playing a voice message indicating to the second party that the user wants to speak with the second party.

Casellini teaches a method for managing calls through the Internet (see Column 1, Lines 5-9 – Casellini teaches this limitation, as clearly indicated in the cited text), comprising:

- playing a voice message indicating to the second party that the user wants to speak with the second party (see Column 4, Lines 16-64 – Casellini teaches this limitation in that the call management system allows the subscriber to reply to the caller by entering a text message that is read to the caller; also, the caller may leave a voice mail requesting a callback from the subscriber),

for the purpose of allowing the parties to communicate with each other (see Column 2, Lines 12-23).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Miloslavsky, in view of Vange, to include:

- an XML document that specifies for a user, a call number of a second party; and
- generating a first hypertext markup language (HTML) document, based on the retrieved XML document,

for the purpose of increasing the functionality of databases, as taught by Vange.

*Claim 10:*

Claim 10 corresponds to Claim 5. Thus, Miloslavsky, in view of Vange, and further in view of Casellini, discloses/teaches every limitation of Claim 10, as indicated in the above rejection for Claim 5.

***Allowable Subject Matter***

Claims 3, 4, 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Also, the objections to the claims must be satisfactorily addressed.

Claim 14 includes allowable subject matter. However, the claim must be amended to obviate the objections to the claim. Claim 15 is dependent upon Claim 14 and thus includes allowable subject matter.

The following is a statement of reasons for the indication of allowable subject matter:

*Claims 3, 8 and 14:*

The prior art fails to disclose or suggest a method that allows a user to make a VOIP phone call using an HTML form that includes entry fields into which a user specifies the user's call number, the call number of the second party and the prompt sequence for accessing the second party, subsequently store that information into an

XML document along with instructions for executing voice application operations and later use that XML document to connect the user to the second party.

*Claims 4, 9 and 15:*

These claims are dependent upon Claims 3, 8 and 14, and thus include allowable subject matter.

***Response to Arguments***

Applicant's arguments filed 7 March 2005 have been fully considered but they are not persuasive.

*Arguments for Claims 1, 2, 6, 7, 11-13 and 16:*

Applicant argues that Miloslavsky fails to disclose "storing, in response to a first HTTP request" (see Claim 1, Line 3) because "[p]ublishing a web page is not a teaching of storing an XML document in response to an HTTP request." See *Applicant's Response* – Page 7, fourth paragraph.

The examiner disagrees.

As indicated in the above rejection for Claim 1, the website developer who generated the web page that included the call center number "published" the web page by sending it to the server ***using HTTP***. By "publishing" the web page, the developer

**stores** the document on a webserver and thus makes the document accessible by web users.

The examiner does not use Miloslavsky to disclose an ***XML*** document. Claim 1 was rejected under 35 U.S.C. 103, and the examiner used Vange to teach an XML document. Thus, Applicant's argument that Miloslavsky fails to disclose an "XML" document does not distinguish the invention from the prior art.

Applicant argues that Miloslavsky fails to disclose "selectively generating a second HTML document, based on a prescribed input received from the second party, having instructions for connecting the second party with the user" (see Claim 1, Lines 10-12) because "no second HTML page having instructions for connecting the second party with the user is generated based on an input of the call center." The Applicant further states that "with regard to the embodiment of Miloslavsky wherein the user requests the call center to call the user, there is no input of the call center upon which a second HTML document is based," because the SRP software requests the call center to call the user's telephone number and does not generate an HTML document. Finally, Applicant argues that placing a call on hold by a call center agent is not an "input" that leads to the generation of a second HTML page having instructions for connecting the second party with the user. See *Applicant's Response* – Page 7, fifth partial paragraph through Page 9, first partial paragraph.

The examiner disagrees.

In the following paragraph, the examiner will briefly discuss Internet protocol network telephony (IPNT).

When a Caller #1 "calls" Caller #2 using IPNT, a first HTML document is generated in his request to connect with Caller #2. This first HTML document is transmitted via the Internet and displayed on Caller #2's computer screen. If Caller #2 decides to "answer" the call from Caller #2, then he "accepts" Caller #1's call and a second HTML document is generated and transmitted to Caller #1's computer to let him know that Caller #2 has accepted the call. Because the second HTML document "connects" Caller #1 and Caller #2, it comprises "instructions" for connecting both parties. Thus, the limitation "selectively generating a second HTML document, based on a prescribed input received from the second party, having instructions for connecting the second party with the user" (see Claim 1, Lines 10-12) reads on normal, everyday Internet phone calls.

Regarding Miloslavsky, the examiner wants to initially point out that the reference expressly discloses that "the principles of the invention may also be applied to IPNT" (see Column 39, Lines 50-51). Thus, any "calls" that are made between the call center and the user may be conducted using IPNT. Miloslavsky discloses "selectively generating a second HTML document, based on a prescribed input received from the second party, having instructions for connecting the second party with the user" in two ways.

First, Miloslavsky discloses this limitation through the teachings of Column 12, Line 44 through Column 13, Line 16 and Column 39, Lines 25-51. When the user clicks



on the button to call the service assistance center, the system sends a telephone service request to a service request process (SRP). The SRP **selects** an available service agent and connects the agent to the user. Under this interpretation of Miloslavsky, the "second party" is the call center system, and the SRP is the part of the system that **selects** the agent and **connects** that agent to the user. When this connection is made using IPNT, the SRP **generates** a "**second HTML document**" to connect the **selected** agent to the user, and thus completes the "call." Accordingly, Miloslavsky discloses "selectively generating a second HTML document, based on a prescribed input received from the second party, having instructions for connecting the second party with the user."

Second, Miloslavsky discloses this limitation through the teachings of Column 15, Lines 5-59 and Column 31, Lines 4-10 and Column 39, Lines 25-51. As indicated in the foregoing paragraph, the SRP **selects** the agent and **connects** that agent to the user. Also, the agent "telephone" is designed to allow the agent to put one caller on hold and talk to another caller. Using IPNT, the SRP will send the user's request to the selected agent and make the connection between the agent and the user. At that time, if the agent is talking to another caller, the agent can **choose** to either answer the user's request or continue talking to the other caller. If the agent **selects** to answer the user's request, then a "second HTML document" is generated to connect the agent to the user, and thus complete the "call." Accordingly, Miloslavsky discloses "selectively generating a second HTML document, based on a prescribed input received from the second party, having instructions for connecting the second party with the user."

*Arguments for Claims 5 and 10:*

Applicant argues that the rejections for Claims 5 and 10 are not proper because none of the references disclose a "first HTML [document] having instructions for recording a voice message indicate to the second party that the user wants to speak with the second party." See *Applicant's Response* – Page 9, third full paragraph.

The examiner disagrees.

Firstly, Applicant's argument fails to comply with 37 CFR 1.111(b) because it amounts to a general allegation that the claim defines a patentable invention without specifically pointing out how the language of the claim patentably distinguishes it from the reference. Simply stating that certain limitations of a claim are not disclosed in the cited reference with no analysis of how the specific language of each limitation is distinguishable from the subject matter disclosed in the cited reference fails to meet the requirement of 37 CFR 1.111(b) that Applicant "specifically [point] out how the language of the claims patentably distinguishes them from the references."

Secondly, Casellini expressly teaches that the caller may leave a voice mail for the called party (see Column 4, Lines 55-58). Accordingly, Miloslavsky, in view of Vange, and further in view of Casellini, disclose/teach a "first HTML document having instructions for recording a voice message indicate to the second party that the user wants to speak with the second party."

**Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Doug Hutton whose telephone number is (571) 272-4137. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached at (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

WDH  
May 5, 2005

  
HEATHER R. HERNDON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100